

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 31, 2004 (Paper No.16). Claims 25-27, and 35 are canceled. Reconsideration and allowance of the application and presently pending claims 22, 24, 28, 30-32, 34, 36, and 38-41 are respectfully requested.

### I. Response to the Objection of the Drawings

Applicant acknowledges the objection to the drawings under 37 C.F.R. 1.83(a). Applicant has canceled claims 27 and 35, that are directed to a garment, without prejudice, waiver, or disclaimer. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

### II. Response to Claim Rejections Under 35 U.S.C. §112

Claims 22, 24-28, 30-32, 34-36 and 38-41 are rejected under 35 U.S.C. §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action indicates that “[i]n, claims 22 and 32, it is not clear how symbol is *linked* to the semaphores.” Applicant has amended claims 22 and 32 to changed “linked” to “integrated.” Applicant respectfully believes that the amendments overcome the rejection of claims 22, 24-28, 30-32, 34-36 and 38-41, and so, Applicant respectfully requests the rejection be withdrawn.

### III. Response to Claim Rejections Under 35 U.S.C. §103

In the Office Action, claims 22, 24-28, 30-32, 34-35 and 38-41 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,026,084, to *Pasfield*.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that *Pasfield* fails to teach each and every element of the claims for the reason that follows.

A. Claim 22

Claim 22, as amended, recites:

22. *A personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits, comprising:*

*one or more rings having one or more colors that indicates a social interest, personality characteristic, or social trait of the individuals or a particular social interest, personality characteristic, or social trait of the first individual, or a particular social interest, personality characteristic, or social trait that the first individual desires in the second individual or vice versa, the rings providing information to each individual to determine if each individual is interested in initiating a social relationship with the other individual;*

*one or more symbols being integrated on the rings, wherein the symbols indicate to the individuals that the rings provide information to social interests, personality characteristics, or social traits about the other individual; and*

*one or more charts having a color section, keyword section and description section, the color section having a list of colors, the keyword section having a list of keywords that succinctly describes the social characteristics and traits of an individual, the keywords being associated with the colors, the description section having a description of the social characteristics and traits of the individual;*

*whereby each individual can signal each individual's interest and desires to the other individual via the rings, and each individual can quickly interpret the rings to understand the characteristics and traits of the other individual and the characteristics and traits desired by other individuals for the purpose of deciding whether or not the individuals have sufficient compatibility to enter a social relationship.*

(Emphasis Added)

Applicant respectfully submits that *Pasfield* fails to disclose, teach or suggest at least the above-emphasized element. Particularly, *Pasfield* failed to disclose, teach or suggest rings having colors that indicate social traits; symbols integrated on the rings that indicate to the individuals that the rings provide information on social traits about the other individual; charts having a keyword section that has a list of keywords succinctly describing a social characteristic

and trait of an individual and a description section describing of the social characteristic and trait,  
as defined in claim 22.

In the Office Action, the Examiner alleges that *Pasfield* discloses, teaches or suggests that *Pasfield's* semaphores provide information to first and second individuals and that both individuals can signal alerts to each other via the *Pasfield's* semaphores, and then, quickly interprets the *Pasfield's* semaphores to understand the alerts.

- i. *Pasfield* fails to disclose, teach or suggest a chart having a keyword section and description section.

Applicant respectfully submits that Fig. 2 is an embodiment of the claimed chart recited in claim 22. *Pasfield* apparently discloses “[c]harts for the color coded alert condition arm bands are provided. The charts have a list of care conditions which require early warning. A colored flag is mounted on the chart, one flag being mounted for each condition listed, all of the flags being of different colors. Charts may be mounted in convenient places for persons providing care to patients so that they can interpret corresponding color coded arm bands on the patients” (Abstract of *Pasfield*). Further, FIG. 3 of *Pasfield* “shows a typical chart, which is adapted to facilitate the use of the system. The chart lists various conditions that the care provider should be alerted to, such as; sensitivity to bed sores, allergies, dietary requirements or that the patient is confused and disoriented, or suffers from some other disability which would affect the care required. Colored flags or discs 10-13 highlights the alert condition” (Col. 2, lines 59-66).

Applicant respectfully submits that *Pasfield* fails to disclose, teach or suggest a chart having a keyword section that has a list of keywords that succinctly describes a social characteristic and trait of an individual and a description section that describes the social characteristic and trait, as recited in claim 22. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

- ii. *Pasfield* fails to disclose, teach or suggest a ring having one or more colors that indicates a social characteristic or trait of an individual

In fact, *Pasfield* apparently discloses a color-coded band mounted on the arm of a patient in which the highly visible color-coded band indicates a certain care alert condition. *Pasfield* does not disclose, teach or suggest a ring having one or more colors that indicates a social

characteristic or trait of an individual, as recited in claim 22. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

- iii. *Pasfield* fails to disclose, teach or suggest a symbol integrated on a ring that indicates to the individuals that the rings provide information on social traits about the other individual

As mentioned in the application on page 6 of 10, the symbol 5 can be a trademark, such as kalume, which indicates to the individuals that the semaphores mounted on the individuals provide information of the individuals' social interests, personality characteristics, or social traits. Apparently, *Pasfield* discloses a band with color code mounted on a patient so that the person providing care to the patient will understand the care condition that the patient is in. *Pasfield* does not disclose, teach or suggest any symbol that is integrated on a ring to indicate to the individuals that the rings are mounted on the individuals providing information of the individuals' social interests, personality characteristics, or social traits about the other individual. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

- iv. *Pasfield* is not directed to a personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits

Applicant respectfully submits that in the preamble of claim 22, it recites "a personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits." In fact, *Pasfield* appears to be directed to patient care and not social relationship. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

B. Claim 31

Claim 31, as amended, recites:

The semaphore system, as in claim 30, wherein:

the semaphore system uses the color yellow, *the color yellow being listed in the color section of the chart, the color yellow being associated with a keyword "available", the keyword "available" having a description to indicate that the wearer is not dating anyone seriously or is interested meeting others;*

the semaphore system uses the color red, *the color red being listed in the color section of the chart, the color red being associated*

*with a keyword “sensual”, the keyword “sensual” having a description to indicate that the wearer is interested in casual dating and is not looking for a commitment or a long-term relationship with another individual;*

*the semaphore system uses the color green, the color green being listed in the color section of the chart, the color green being associated with a keyword “long-term”, the keyword “long-term” having a description to indicate that the wearer is interested in a commitment or a long-term relationship;*

*the semaphore system uses the color blue, the color blue being listed in the color section of the chart, the color blue being associated with a keyword “not available”, the keyword “not available” having a description to indicate that the wearer is not available;*

*the semaphore system uses the color purple, the color purple being listed in the color section of the chart, the color purple being associated with a keyword “spiritual”, the keyword “spiritual” having a description to indicate that the wearer is religious and has good moral character;*

*the semaphore system uses the color pale blue, the color pale blue being listed in the color section of the chart, the color pale blue being associated with a keyword “liberal”, the keyword “liberal” having a description to indicate that the wearer is a liberal person interested in freedom and non-conventional behavior;*

*the semaphore system uses the color gray, the color gray being listed in the color section of the chart, the color gray being associated with a keyword “conservative”, the keyword “conservative” having a description to indicate that the wearer is a conservative person interested in caution and conventional behavior;*

*the semaphore system uses the color white, the color white being listed in the color section of the chart, the color white being associated with a keyword “independent”, the keyword “independent” having a description to indicate that the wearer is independent and unlikely to be influenced or controller by others;*

*the semaphore system uses the color orange, the color orange being listed in the color section of the chart, the color orange being associated with a keyword “humor”, the keyword “humor” having a description to indicate that the wearer has a sense of humor; and*

*the semaphore system uses the color black, the color black being listed in the color section of the chart, the color black being associated with a keyword “radical”, the keyword “radical” having a description to indicate that the wearer is a person who lives life on the edge, and engages in daredevil or extreme behavior.*

(Emphasis Added)

Applicant respectfully submits that that claim 31 further defines the color section, keyword section, and description section of the chart recited in claim 22. Applicant respectfully submits that *Pasfield* fails to disclose, teach or suggest the colors associated with the keywords and the keywords associated with the description, as recited in claim 31. For at least this reason alone, Applicant respectfully requests that claim 31 be allowed and the rejection be withdrawn.

Further, because independent claim 22 is allowable over the cited art of record, dependent claim 31 is allowable as a matter of law for at least the reason that dependent claim 31 contains all features and elements of its independent base claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection to dependent claim 31 be withdrawn for this reason alone.

C. Claims 24, 28 and 30

Because independent claim 22 is allowable over the cited art of record, dependent claims 24, 28 and 30 are allowable as a matter of law for at least the reason that dependent claims 24, 28 and 30 contain all features and elements of their independent base claim. *See, e.g., In re Fine*, supra. Accordingly, Applicant respectfully requests that the rejection to dependent claims 24, 28 and 30 be withdrawn for this reason alone.

D. Claim 32

Claim 32, as amended, recites:

32. *A method of using semaphores for communicating information related to social interests, personality characteristics, or social traits between individuals interested in forming a social relationship, including the steps of:*

*providing one or more rings having one or more colors that indicate one or more social interests, personality characteristics, or social traits of each individual, or one or more social interests, personality characteristics, or social traits which each individual is seeking in the other individual;*

*integrating on the rings a symbol that indicates to the individuals that the rings provide information to social interests, personality characteristics, or social traits about the other individual; and*

*providing one or more charts having a color section, keyword section and description section, the color section having a list of colors, the keyword section having*

***a list of keywords that succinctly describes the social characteristic and trait of an individual, the keywords being associated with the colors, the description section having a description of the social characteristic and trait of the individual;***

whereby each individual can signal each individual's social interests, personality characteristics, or social traits to the other individual via the rings, and/or signal the social interests, personality characteristics, or social traits that each individual is seeking in the other individual such that each individual can interpret the rings to determine if each individual is interested in a social relationship with the other individual.

(Emphasis Added)

- i. *Pasfield* fails to disclose, teach or suggest providing a chart having a color section, keyword section, and description section

Applicant respectfully submits that Fig. 2 is an embodiment of the claimed chart recited in claim 32. *Pasfield* apparently discloses “[c]harts for the color coded alert condition arm bands are provided. The charts have a list of care conditions which require early warning. A colored flag is mounted on the chart, one flag being mounted for each condition listed, all of the flags being of different colors. Charts may be mounted in convenient places for persons providing care to patients so that they can interpret corresponding color coded arm bands on the patients” (Abstract of *Pasfield*). Further, FIG. 3 of *Pasfield* “shows a typical chart, which is adapted to facilitate the use of the system. The chart lists various conditions that the care provider should be alerted to, such as; sensitivity to bed sores, allergies, dietary requirements or that the patient is confused and disoriented, or suffers from some other disability which would affect the care required. Colored flags or discs 10-13 highlights the alert condition” (Col. 2, lines 59-66).

Applicant respectfully submits that *Pasfield* fails to disclose, teach or suggest providing a chart having a keyword section that has a list of keywords that succinctly describes a social characteristic and trait of an individual and a description section that describes the social characteristic and trait, as recited in claim 32. For at least this reason alone, Applicant respectfully requests that claim 32 be allowed and the rejection be withdrawn.

- ii. *Pasfield* fails to disclose, teach or suggest providing a ring having one or more colors that indicates a social characteristic or trait of an individual

In fact, *Pasfield* apparently discloses a color-coded band mounted on the arm of a patient in which the highly visible color-coded band indicates a certain care alert condition. *Pasfield* does not disclose, teach or suggest providing a ring having one or more colors that indicates a social characteristic or trait of an individual, as recited in claim 32. For at least this reason alone, Applicant respectfully requests that claim 32 be allowed and the rejection be withdrawn.

- iii. *Pasfield* fails to disclose, teach or suggest integrating a symbol on a ring that indicates to the individuals that the rings provide information on social traits about the other individual

As mentioned in the application on page 6 of 10, the symbol 5 can be a trademark, such as kalume, which indicates to the individuals that the semaphores mounted on the individuals provide information of the individuals' social interests, personality characteristics, or social traits. Apparently, *Pasfield* discloses a band with color code mounted on a patient so that the person providing care to the patient will understand the care condition that the patient is in. *Pasfield* does not disclose, teach or suggest integrating a symbol on a ring to indicate to the individuals that the rings are mounted on the individuals providing information of the individuals' social interests, personality characteristics, or social traits about the other individual. For at least this reason alone, Applicant respectfully requests that claim 32 be allowed and the rejection be withdrawn.

- iv. *Pasfield* is not directed to a personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits

Applicant respectfully submits that in the preamble of claim 22, it recites "a personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits." In fact, *Pasfield* appears to be directed to patient care and not social relationship. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.



E. Claims 39-41

Applicant respectfully submits that that claims 39-41 further define the color section, keyword section, and description section of the chart recited in claim 22. Applicant respectfully submits that *Pasfield* fails to teach, disclose, or suggest the colors associated with the keywords and the keywords associated with the description of the keywords, as recited in claims 39-41. For at least this reason alone, Applicant respectfully requests that claims 39-41 be allowed and the rejection be withdrawn.

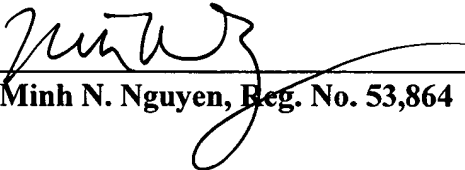
F. Claims 34 and 36

Because independent claim 32 is allowable over the cited art of record, dependent claims 34 and 36 are allowable as a matter of law for at least the reason that dependent claims 34 and 36 contain all features and elements of their independent base claim. *See, e.g., In re Fine*, supra. Accordingly, Applicant respectfully requests that the rejection to dependent claims 34 and 36 be withdrawn for this reason alone.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 22, 24, 28, 30-32, 34, 36, and 38-41 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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